

## REMARKS

The final Office action dated September 9, 2004, has been carefully considered. Approval and entry of the above amendment to independent claims 1 and 13, and issuance of a Notice Of Allowance are respectfully requested.

Applicant thanks Examiner Nguyen for the courtesies extended to the undersigned during the telephone interview on November 8, 2004. As discussed and agreed during the interview, independent claims 1 and 13 have been amended. No new matter has added by these amendments. The comments made during the interview in connection with the above amendments are presented below.

Claims 1-19 have been rejected under 35 U.S.C. § 102 (b), as being anticipated by United States patent No. 5,984,559 to Shiobara et al. (“Shiobara”).

Independent claims 1 and 13 are amended herein, as discussed during the interview, to specify that the contact element of the ball pusher has a “pushing end” contacting the tip ball specifically “designed and configured to conform to the shape of said tip ball.” Such recitation clearly requires the pushing end of the contact element to be initially designed in a particular manner, i.e., “to conform to the shape of the tip ball.” Support for such recitation can be found, for example, on page 7, paragraph [0024], of the originally-filed specification (“Pushing end **52** of contact element **14** may be designed and configured to conform to the shape of the tip ball **36**.”).

As discussed and agreed by the Examiner during the interview, even if the element the Examiner identified as a “ball pusher” in Shiobara may wear to conform to the shape of the tip ball, such element clearly does not have a pushing end specifically “designed” conforming to the shape of the tip ball, as recited in claims 1 and 13, as amended herein. Accordingly, independent claims 1 and 13, as amended, and all claims depending therefrom, are patentable over Shiobara. A notice to that effect is respectfully requested.

Claims 1-9, 11-13, and 15-19 have been rejected under 35 U.S.C. § 102 (b) as being anticipated by United States patent No. 5,277,510 to Okamoto et al. (“Okamoto”).

Like Shiobara, Okamoto does not disclose or suggest a contact element that has a “pushing end” contacting the tip ball specifically “designed and configured to conform to the shape of said tip ball,” as recited in amended claims 1 and 13. Thus, even if the element the

Examiner identified as a "ball pusher" in Okamoto may wear to conform to the shape of the tip ball, it does not have a pushing end initially designed conforming to the shape of the tip ball. Accordingly, claims 1 and 13, and all claims depending therefrom, are patentable over Okamoto. A notice to that effect is respectfully requested.

Claims 10 and 14 have been rejected under 35 U.S.C. § 103(a) as being obvious over Okamoto in view of Shiobara.

Because claims 10 and 14 depend from independent claims 1 and 13, respectively, which, as amended herein, are patentable over Shiobara and Okamoto for the reasons stated above, claims 10 and 14 are also allowable. A notice to that effect is respectfully requested.

For the above reasons, the present application, as amended herein, is believed to be in condition for allowance. Approval and entry of the above amendments and remarks and issuance of a Notice Of Allowance are respectfully requested. Should the Examiner not agree that all claims are allowable or have any further issues to be resolved, then a personal or telephone interview with the undersigned is respectfully requested to resolve any remaining issues and to accelerate allowance of the present application.

No fee is believed to be due for this amendment. Should any fee be required, please charge such fee to Jones Day Account No. 503013.

Respectfully submitted,

Date: November 30, 2004

  
Karen G. Horowitz 35,199  
(Reg. No.)

**JONES DAY**  
222 East 41st Street  
New York, New York 10017  
(212) 326-3939